

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LARRY E. EALY,

Petitioner,

: Case No. 3:18-cv-63

-vs-

WARDEN, Southeastern Correctional
Complex, et al.,

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

Respondents.

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 3), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto, hereby ADOPTS said Report and Recommendations.

Accordingly, it is ORDERED that the Petition for Writ of Habeas Corpus be dismissed with prejudice. Because reasonable jurists would not disagree with this conclusion, Petitioner is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

March 23, 2018.

s/Thomas M. Rose

Thomas M. Rose
United States District Judge